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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,709	08/12/2003	Chiou-muh Jong		1708

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EXAMINER

WANG, JIN CHENG

ART UNIT PAPER NUMBER

2672

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/604,709		JONG, CHIOU-MUH	
	<b>Examiner</b>		<b>Art Unit</b>	
	Jin-Cheng Wang		2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION*****Specification***

The disclosure is objected to because of the following informalities: On line 16 of the claim 1, “a openness” should “an openness”. Claim 7 is objected to because of the following informalities: On line 4 of the claim 7, “wherein reflects new position” should “which reflects a new position”. Claim 8 is objected to because of the following informalities: On line 4 of the claim 8, “wherein reflects new openness” should “which reflects a new openness”. Claim 14 is objected to because of the following informalities: On line 22 of the claim 14, “a image” should “an image”. Appropriate correction is required.

***Claim Objections***

Claim 1 is objected to because of the following informalities: On line 16 of the claim 1, “a openness” should “an openness”. Claim 7 is objected to because of the following informalities: On line 4 of the claim 7, “wherein reflects new position” should “which reflects a new position”. Claim 8 is objected to because of the following informalities: On line 4 of the claim 8, “wherein reflects new openness” should “which reflects a new openness”. Claim 14 is objected to because of the following informalities: On line 22 of the claim 14, “a image” should “an image”. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 2672

Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said curtain image" in lines 10-11 of the claim. There is insufficient antecedent basis for this limitation in the claim. Claims 2-13 depend upon the claim 1 and are rejected due to their dependency on the claim 1.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamauchi et al. U.S. Patent No. 6,140,565 (hereinafter Yamauchi).

Claim 1:

Yamauchi teaches a method to simulate an outdoor scene visible window for a windowless room comprising:

Receiving a sequence of images from a source (e.g., Receiving a sequence of the images from the memories; column 13, lines 49-67 and column 14, lines 1-41; the images relating to the music performance scene may be actually performed taken from the outdoor scenes);

Creating a window covering image which is a simulation of a window covering at a certain openness and position of user's preferences (e.g., column 21, lines 20-35 and column 22,

Art Unit: 2672

*lines 15-20 in which Yamauchi discloses creating the color of curtains in the scenery setting and props in accordance to the selected automatic backing style and according to the selected reverberation type, the apparatus may adopt a performance situation image designed after a hall or a stage and a performance situation image having no curtain at all or with curtains and the apparatus can select performance situation images having different depth and widths. In Fig. 21, Yamauchi discloses the three-dimensional image drawn between open curtains 131 which are different from those shown in Fig. 20 in color and pattern and the stage 132 is imaged after a concert hall having a wooden floor and wooden walls. In that the open space between the curtains constitutes a window covering and the virtual setting or the scenery setting having the curtains constitutes the window covering in accordance to the styles of backing or accompaniment classified by the user's preference to classical, jazz, dancing and folk etc. column 21, lines 15-67 and column 22, lines 1-29);*

Creating a fixed window image which is a simulation of a real window with window structure includes window edges and window grid (e.g., column 21, lines 20-35 and column 22, lines 15-20 in which Yamauchi discloses creating the color of curtains in the scenery setting and props in accordance to the selected automatic backing style and according to the selected reverberation type, the apparatus may adopt a performance situation image designed after a hall or a stage and a performance situation image having no curtain at all or with curtains and the apparatus can select performance situation images having different depth and widths. In Fig. 21, Yamauchi discloses the three-dimensional image drawn between open curtains 131 which are different from those shown in Fig. 20 in color and pattern and the stage 132 is imaged after a concert hall having a wooden floor and wooden walls. In that the open space between the

Art Unit: 2672

*curtains constitutes a window and the virtual setting or the scenery setting constitutes the window covering in accordance to the styles of backing or accompaniment classified by the user's preference to classical, jazz, dancing and folk etc. column 21, lines 15-67 and column 22, lines 1-29);*

Superimposing a curtain image on the fixed window image to form a static image (Superimposing a curtain image as shown in Figs. 20-22 with the scenery backing styles, stage effects or the performance situation images as the background images including the window edges and grids forming the background scenery setting wherein the backing styles and stage effects and curtain color can be selected by the user through icons and pop-up menus; see column 26, lines 32-38; and thereby synthesizing the visual image of the music system with the performance situation images having player icons arranged; column 21-22);

Combining current frame of said outdoor images with said static image to form an instant simulation image (e.g., displaying the sequence of images representing the sequences of motions of the conductor and these stored images are read out to be sequentially changed and thereby imparting a sequence of motions to each icon; column 25, lines 52-67 and column 26, lines 1-37);

Said instant simulation image is a simulation of the look of a real window with said window covering (real scenery performance situation image simulating a real stage in the application window wherein the stage has curtains, edges, window covering and thus simulating the real stage window with stage covering and the set of images representing the excited audience are sequentially displayed, enhances the feeling of being at a live performance);



Art Unit: 2672

Updating said instant simulation image at a frequency of designer's choice (e.g., 30 frames per second; column 26);

Updating said instant simulation image when either said openness or said position of said window covering image is changed (*the apparatus can create performance situation images according to the combinations of the automatic backing styles and reverberation types including no reverberation, hall reverberation and stage reverberation. The color of curtains in the scenery setting and props such as a speaker box may be changed according to the selected automatic backing style, i.e., the window covering environment is changed and the apparatus can select performance situation images having different depths and different widths; see column 21-22*); and

Displaying said instant simulation image (Figs. 20-22 and column 18 and 22).

Yamauchi does not explicitly disclose a number of terms such as "outdoor images", Yamauchi however implicitly discloses receiving a sequence of the images from the memories; column 13, lines 49-67 and column 14, lines 1-41; wherein the images relating to the music performance scene may be actually performed in a outdoor setting. Although Yamauchi does not explicitly disclose the term "window covering", Yamauchi discloses scenery setting in matching with the acoustic effect in the performance of the music system wherein the scenery setting describes the stage or hall image setting covering the opening or window between the curtains. Although Yamauchi does not explicitly disclose creating a fixed window image which is a simulation of a real window with window structure includes window edges and window grid, Yamauchi discloses scenery setting in matching with the stage effect in the performance of the music system to synthesize the visual image of the music system including synthesizing the

Art Unit: 2672

conductor image and the musician image, the curtain image and the music situation or the scenery setting image in which the image data synthesizing block 4 of Fig. 1 operates according to the icon image data of each performance part and the image data representing the scenery setting for creating **a composite image** in which the icons representing the performance parts are arranged in the image representing **the virtual scenery** setting and outs the created image onto a monitor display. For example the image 11 of Fig. 2 represents the virtual scenery setting of the music system in a simulated manner such as a performance stage or a performance hall and the user can color and design the image 11 according to a music genre to be performed by the music system (column 7, lines 29-67). For example, for a classical music piece, the user can use a scenery picture with **shapes, colors and textures of curtains** and floors of the performance stage and props all selected in matching with the image of the classical music piece. Because the floors and props of the performance stage on the window may have grids and edges on the performance window, Yamauchi suggests the claim limitation of a fixed window image which is a simulation of a real window (a real stage between the curtains presenting a window to the viewers) with the real stage structure having floor grids, stage props, stage edges similar to the real window grids and edges. It would have been obvious to have replaced the stage window in a hall having the grids and edges with the real window of the hall having grids and edges because such images can be conveniently constructed at the time of the invention was made by taking the photograph of a real window having the specific material setting using the digital camera to form a virtual scenery setting as input to the image data synthesizing block 4 of Fig. 1 to generate a composite image. One of the ordinary skill in the art would have been motivated to do this to



Art Unit: 2672

visualize a situation and environment in which the music system should be played with the specific style in a virtual environment (column 7).

Claim 2:

The claim 2 encompasses the same scope of invention as that of the claim 1 except additional claim limitation of the window covering including shades, blinds, different styles of curtains, valance and drape combinations and window panels. Yamauchi discloses window covering with different styles of curtains. Yamauchi does not explicitly disclose creating a fixed window image which is a simulation of a real window with window structure includes shades, blinds, valance and drape combinations and window panels. However, Yamauch discloses scenery setting in matching with the stage effect in the performance of the music system to synthesize the visual image of the music system including synthesizing the conductor image, the curtain image and the music situation or the scenery setting image in which the image data synthesizing block 4 of Fig. 1 operates according to the icon image data of each performance part and the image data representing the scenery setting for creating a composite image in which the icons representing the performance parts are arranged in the image representing the virtual scenery setting and outs the created image onto a monitor display. For example the image 11 of Fig. 2 represents the virtual scenery setting of the music system in a simulated manner such as a performance stage or a performance hall and the user can color and design the image 11 according to a music genre to be performed by the music system (column 7, lines 29-67). For example, for a classical music piece, the user can use a scenery picture with shapes, colors and textures of curtains and floors of the performance stage and props all selected in matching with the image of the classical music piece. Because the performance stage on the window may

Art Unit: 2672

incorporate shades, blinds, valance and drape combinations and window panels on the performance window as Yamauchi has taught the stage incorporating different styles of curtains, Yamauchi suggests the claim limitation of a fixed window image which is a simulation of a real window (a real stage between the curtains presenting a window to the viewers) with the real stage structure having different styles of curtains similar to the real window curtains, valance etc.. It would have been obvious to have replaced the stage window in a hall having the curtains with the real window of the hall having curtains and valance because such images can be conveniently constructed at the time of the invention was made by taking the photos of a real window with curtains, drapes, window panels and valance using the digital camera to form a virtual scenery setting as input to the image data synthesizing block 4 of Fig. 1 to generate a composite image for the music system. One of the ordinary skill in the art would have been motivated to do this to visualize a situation and environment in which the music system should be played with the specific style in a virtual environment (column 7).

Claim 3:

The claim 3 encompasses the same scope of invention as that of the claim 1 except additional claim limitation of parameter values. However, Yamauchi further discloses the parameter values including the collective setting parameters such as reverberation time, diffusion and initial delay for the scenery setting of the music system (column 7).

Claim 4:

Yamauchi further discloses real time recording based on the information supplied from the external music performance device 28.

Claim 5:

The claim 5 encompasses the same scope of invention as that of the claim 1 except additional claim limitation of an image processor. However, Yamauchi further discloses the claim limitation of an image processor (Figs. 4, 8 and 11; column 18).

Claim 6:

Yamauchi further discloses a memory storage for displaying a plurality of types, styles and colors of curtains for the window coverings and a plurality of types of window setting including flooring in a table wherein a preferred type, style, color of said window curtain and said window flooring can be chosen (column 21, lines 15-67; column 22, lines 15-30).

Claim 7:

Yamauchi further discloses the music data preset in the memory and retrieving sequence data of the performance part using that timbre from a music piece newly created by the user or the sequence data is automatically extracted to be stored in the sample music data memory 9 (i.e., drawing a new instant simulation image; see column 17).

Claim 8:

Yamauchi further discloses that the color of curtains in the scenery setting and props may be changed according to the selected automatic backing style in which the user changes the backing style and therefore changes the color and the pattern of the curtains which reflects new openness of the simulated window covering changed by the user (column 21-22).

Claim 9:

Yamauchi further discloses a display monitor flat in viewing surface and mountable on the wall, for dynamically displaying the instant simulation image. However, Yamauchi further discloses a display monitor (column 18, lines 55-65).

Claim 10:

Yamauchi further discloses real time recording based on the information supplied from the external music performance device 28 (column 18).

Claim 11:

Yamauchi further discloses the sequence software are stored in the hard disk and the recording medium 26 and the CPU 22 loads necessary programs and data from the ROM 24 and the hard disk into the RAM 24 to execute various processing operations.

Claim 12:

Yamauchi further discloses CPU/memory combination and a subset of CPU/Memory in a computer with required software to achieve the function of creating said instant simulation image (column 18).

Claim 13:

Yamauchi further discloses the parameter values including the collective setting parameters such as reverberation time, diffusion and initial delay for the scenery setting of the music system (column 7).

Claims 14-17:

The claims 14-17 are subject to the same rationale of rejection set forth in the claims 1-13.

***Conclusion***

Art Unit: 2672


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jin-Cheng Wang whose telephone number is (571) 272-7665.

The examiner can normally be reached on 8:00 - 6:30 (Mon-Thu).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Razavi can be reached on (571) 272-7664. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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